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9 UNITED STATES BANKRUPTCY COURT
10 EASTERN DISTRICT OF WASHINGTON

11 In Re:

12 THE CATHOLIC BISHOP OF SPOKANE
13 a/k/a THE CATHOLIC DIOCESE OF
14 SPOKANE, a Washington corporation sole,

15 Debtor.

16 JOHN DOE, JAMES DOE and JOSEPH DOE
17 (pseudonyms),

18 Plaintiffs,

19 vs.

20 CATHOLIC ARCHBISHOP OF SEATTLE,
21 a Washington non profit corporation;
22 CATHOLIC BISHOP OF SPOKANE, a
23 Washington non profit corporation; and
24 PATRICK O'DONNELL, individually,

25 Defendants.

) Case No. 04-08822-PCW-11

) Adv. Proc. No. 05-80004

) **DECLARATION OF GREGORY J.
ARPIN IN OPPOSITION TO
PLAINTIFFS' MOTION TO
REMAND**

26 GREGORY J. ARPIN declares under penalty of perjury as follows:

27 1. I am one of the attorneys for defendant Catholic Bishop of Spokane
28 (hereinafter "Spokane Diocese") in the above-referenced adversary proceeding. At the time

29 DECLARATION OF GREGORY J. ARPIN
30 IN OPPOSITION TO PLAINTIFFS'
MOTION TO REMAND - 1

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1 of the filing by the Spokane Diocese of a Voluntary Petition for Chapter 11 Reorganization
2 (hereinafter "Reorganization Case") on December 6, 2005, I had appeared for and was
3 acting as one of the primary defense counsel for the Spokane Diocese in nineteen separate
4 lawsuits pending in Spokane County Superior Court and arising out of alleged sexual abuse
5 of the plaintiffs by former priests of the Spokane Diocese (hereinafter "Sexual Abuse
6 Lawsuits").
7

8
9 2. In early November 2004, a four day mediation of approximately 29 claims
10 arising out of alleged abuse by Patrick O'Donnell was conducted, but no settlement was
11 reached. The mediation involved five plaintiffs' attorneys, numerous coverage attorneys
12 and claims representatives for six different insurance carriers, as well as two trial attorneys,
13 two coverage counsel and the Vicar General for the Spokane Diocese, and attorneys for the
14 Seattle Archdiocese. Counsel for the plaintiffs were advised during the scheduling of and
15 at the onset of mediation that, should it prove unsuccessful, the Spokane Diocese would
16 have no option but to file the Reorganization Case.
17

18
19 3. On December 7, 2004, after filing the Reorganization Case, the Spokane
20 Diocese filed a Notice of Bankruptcy Automatic Stay in Spokane County Superior Court in
21 each of the Sexual Abuse Lawsuits.
22

23 4. On January 5, 2005, the Spokane Diocese filed a Notice of Removal,
24 pursuant to Federal Rules of Bankruptcy Procedure 9027(a)(1) and 9001(3), in U.S.
25 Bankruptcy Court in each Sexual Abuse Lawsuit. On January 6, 2005, the Spokane
26 Diocese filed, pursuant to Federal Rule of Bankruptcy Procedure 9027(c), a copy of the
27

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29 DECLARATION OF GREGORY J. ARPIN
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30 MOTION TO REMAND - 2

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1 Notice of Removal in Spokane County Superior Court in each of the Sexual Abuse
2 Lawsuits, effecting their removal from state court.

3 5. I have reviewed the plaintiffs' Motion for Remand [**Docket #14**],
4 Memorandum in Support of Motion to Remand [**Docket #15**] and the Declaration of
5 Michael T. Pfau in Support of Motion for Remand [**Docket #16**]. The plaintiffs' attorneys
6 have claimed that "[i]n virtually all the cases, the fact of sexual abuse by the priest or
7 employee is not seriously at issue." Plaintiffs' Memorandum at Page 2. To the contrary,
8 whether sexual abuse occurred, and the nature and extent of the abuse claimed, is disputed
9 by the Spokane Diocese in many of the Sexual Abuse Lawsuits. The dates of abuse
10 claimed by the plaintiffs range from the late 1940s to the mid 1980s. In some instances, the
11 alleged perpetrator of the abuse is dead. Each of the former bishops of the Spokane
12 Diocese during this time period have also died.

13
14 6. In most instances, the individuals who would have information relative to
15 the allegations of abuse, who were in positions of authority within the Spokane Diocese at
16 the time the abuse was alleged to have occurred, are deceased or otherwise unavailable.
17 Other witnesses with relevant knowledge of that time period are also deceased, unavailable
18 or incompetent due to age-related infirmities. Likewise, records to document events from
19 so long ago were either not generated to begin with or, if generated, were not properly
20 stored to protect them from inadvertent damage or deterioration, have been lost or were
21 simply not retained because their significance was unknown prior to any claims being filed.
22 The timeliness of the filing of these claims as it relates to the Statute of Limitations is most
23 certainly at issue, as is the nature and extent of the damages claimed by the plaintiffs.

24 7. In the summary status of lawsuits included in the Declaration of Michael T.
25 Pfau [**Docket #16**], it is also alleged that many of the Complaints have not been answered
26
27

28
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1 by the Spokane Diocese. On January 12, 2005, the Spokane Diocese filed, pursuant to
2 Federal Rule of Bankruptcy Procedure 9027(g), Answers and Affirmative Defenses to the
3 Complaints or Amended Complaints in each of the Sexual Abuse Lawsuits in which the
4 Spokane Diocese had not previously answered.

5
6 8. Also, the estimate of the time by plaintiffs' attorneys that would be necessary
7 to now complete trials in the Sexual Abuse Lawsuits varies greatly with the time they
8 estimated while these cases resided in state court. In Spokane County Superior Court,
9 counsel for each of the parties are required to prepare a Joint Case Status Report for
10 presentment to the court at a Case Status Conference, at which time the assigned judge sets
11 a trial date and discovery schedule. Counsel for the plaintiffs provided information for and
12 gave approval to each of the Joint Case Status Reports in the Sexual Abuse Lawsuits where
13 they had appeared, which included an estimation of the time needed for trial. In the
14 declaration submitted by one of the attorneys for the plaintiffs' in support of the motions for
15 remand, the estimate of times needed for trial are now consistently doubled and sometimes
16 quadrupled from the trial times estimated by the plaintiffs' attorneys in state court.

17
18 9. Counsel for the plaintiffs now also claim that these 19 Sexual Abuse
19 Lawsuits could be parceled among the 12 judicial departments in Spokane County Superior
20 Court for expeditious resolution. This proposal is not reasonable. The structure of the 12
21 departments in Spokane County Superior Court is organized so that only six departments at
22 one time are primarily assigned Civil Individual Calendar matters. One judge is elected by
23 vote of the entire body of 12 judges to the presiding court and, in addition to other duties,
24 only hears such ex parte civil and probate matters as are not assigned to other departments.
25 The five remaining judges only handle matters related to the criminal docket, Juvenile
26 Court, Family Law Department and Felony Drug Court / Broker Department. Two judges
27
28

29 DECLARATION OF GREGORY J. ARPIN
30 IN OPPOSITION TO PLAINTIFFS'
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1 have already recused themselves from hearing any of these matters, and another was
2 removed after one of the other defendants filed an affidavit of prejudice. While previously
3 in state court, 15 of these 19 lawsuits were assigned between only two different judges.
4 The plaintiffs made no effort whatsoever at that time to ease the caseload of those two
5 judges. More than likely, if these cases were to be remanded to state court, these 15
6 lawsuits would be reassigned to the same two judges, as they are most familiar with the
7 cases. Also, given the fact that these lawsuits were removed from state court trial calendar
8 more than three months ago, it would be doubtful if the state court could find trial dates
9 before 2006 to accommodate the extensive time now estimated by the plaintiffs as needed
10 for trial.
11

12 10. Following is a summary of the procedural and discovery status of each of the
13 Sexual Abuse Lawsuits:
14

15 **LITIGATION ALLEGING ABUSE BY PATRICK O'DONNELL**

16 There are eight adversary proceedings arising out the alleged sexual
17 abuse of the plaintiffs by Patrick O'Donnell, who served as a priest of the
18 Spokane Diocese from 1971 until 1986. Patrick O'Donnell was deposed on
19 July 7, 2004 and August 30, 2004. Approximately 20 clergy and lay
20 witnesses, including Bishop William Skylstad, have provided deposition
21 testimony generally applicable to each of the lawsuits arising out of alleged
22 abuse by Patrick O'Donnell. Attorneys for the parties in each of the lawsuits
23 existing at the time the depositions were taken of Patrick O'Donnell, as well
24 as clergy and lay witnesses, were provided notice of the depositions and
25 given an opportunity to participate.

26 Following is the procedural and discovery status in each individual
27 lawsuit arising out of alleged sexual abuse of the plaintiffs by Patrick
28 O'Donnell:

29 A. **John Doe, James Doe and Joseph Doe v. Catholic Archbishop of**
30 **Seattle, a Washington non-profit corporation; Catholic Bishop of**

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1 Spokane, a Washington non-profit corporation; and Patrick
2 O'Donnell, individually (Adversary Proceeding No. 05-80004)

3 1. Procedural Status

4 This matter was originally filed in King County Superior
5 Court on July 14, 2003, and venue was transferred to Spokane
6 County Superior Court on October 3, 2003. Defendant Patrick
7 O'Donnell filed an Answer and Affirmative Defenses on December
8 18, 2003. The Spokane Diocese filed an Answer and Affirmative
9 Defenses on December 31, 2003. Defendant Seattle Archdiocese
10 filed an Answer and Affirmative Defenses on February 20, 2004.

11 The parties had disclosed primary and rebuttal witnesses in
12 accordance with a Civil Case Scheduling Order issued in the state
13 court action. The plaintiffs demanded a 12 person jury on August 18,
14 2004. Trial was scheduled to commence on January 3, 2005. In the
15 Joint Case Status Report submitted to the state court on February 20,
16 2004, the parties estimated that three weeks would be necessary to
17 complete trial.

18 2. Discovery Status

19 At the time of the Chapter 11 filing, most of the written
20 discovery that had been previously exchanged by the parties was
21 answered, although the parties were still in the process of obtaining
22 the medical, employment and educational records of the plaintiffs
23 which had been requested through written discovery. The plaintiffs
24 have not yet responded to *Defendant Catholic Bishop of Spokane's*
25 *Fifth Set of Interrogatories and Requests for Production Propounded*
26 *to Plaintiffs*, served on August 27, 2004. The Spokane Diocese has
27 not yet responded to *Plaintiffs' Second Interrogatories and Requests*
28 *for Production to Defendant Catholic Bishop of Spokane*, served on
29 October 19, 2004. A CR 35 psychological examination was
30 conducted of each plaintiff by defense expert Ronald Klein, Ph.D., in
June and July 2004.

The plaintiffs were deposed on May 26 – 28, 2004. Of the
over 125 lay and expert witnesses disclosed by the parties,
approximately 70 have been deposed to date.

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1 **B. John and Jane Doe v. Catholic Bishop of Spokane, a Washington**
2 **Non-Profit Corporation; Patrick O'Donnell; Inland Northwest**
3 **Council, Boy Scouts of America, a Washington Non-Profit**
4 **Corporation; and Bishop William Skylstad** (Adversary
5 **Proceeding No. 05-80005)**

6 1. Procedural Status

7 This lawsuit was originally filed in Spokane County Superior
8 Court on October 17, 2002. The Spokane Diocese filed an Answer
9 and Affirmative Defenses on January 8, 2004. Defendant Patrick
10 O'Donnell filed an Answer and Affirmative Defenses on June 17,
11 2004. Defendant Inland Northwest Council, Boy Scouts of America,
12 filed an Answer, Affirmative Defenses and Cross Claim on March 9,
13 2005.

14 The parties had disclosed primary and rebuttal witnesses in
15 accordance with a Civil Case Scheduling Order issued in the state
16 court action. The plaintiff demanded a 12 person jury on October 12,
17 2004. Trial was scheduled to commence on January 3, 2005. In the
18 Joint Case Status Report submitted to the state court on March 28,
19 2003, the parties estimated that two or three weeks would be
20 necessary to complete trial.

21 2. Discovery Status

22 At the time of the Chapter 11 filing, all written discovery that
23 had been previously exchanged by the parties was answered,
24 although the parties were still in the process of obtaining the medical,
25 employment and educational records of plaintiff John Doe which had
26 been requested through written discovery. A CR 35 psychological
27 examination of plaintiff John Doe was conducted by defense expert
28 Ronald Klein, Ph.D., on October 8, 2004.

29 The plaintiffs were deposed on September 15 & 16, 2004. Of
30 the over 150 lay and expert witnesses disclosed by the parties, less
 than 20 have been deposed to date.

1 C. Michael Corrigan, et. al. v. Catholic Bishop of Spokane, a
2 Corporation Sole; and Patrick O'Donnell, individually
3 (Adversary Proceeding No. 05-80006)

4 1. Procedural Status

5 This matter was originally filed in Spokane County Superior
6 Court on September 26, 2002. There are 10 plaintiffs in this action.
7 One plaintiff, CC, has filed suit both individually and as personal
8 representative of her deceased husband's estate. The Spokane
9 Diocese filed an Answer and Affirmative Defenses on January 8,
10 2004. The plaintiffs filed an Amended Complaint for Damages on
11 May 3, 2004, and the Spokane Diocese filed an Answer and
12 Affirmative Defenses to the Amended Complaint on January 12,
13 2005.

14 The parties had disclosed primary and rebuttal witnesses in
15 accordance with a Civil Case Scheduling Order issued in the state
16 court action. The plaintiffs demanded a 12 person jury on August 20,
17 2004. Trial was scheduled to commence on January 3, 2005. In the
18 Joint Case Status Report submitted to the state court on January 10,
19 2003, the parties estimated that three weeks would be necessary to
20 complete trial.

21 2. Discovery Status

22 At the time of the Chapter 11 filing, most of the written
23 discovery that had been previously exchanged by the parties was
24 answered, although the parties were still in the process of obtaining
25 the medical, employment, military and educational records of the
26 plaintiffs which had been requested through written discovery. The
27 plaintiffs have not yet responded to *Defendant Catholic Bishop of*
28 *Spokane's Interrogatories and Requests for Production of Documents*
29 *Propounded to Plaintiff CC, as Personal Representative of the Estate*
30 *of TC*, served on January 9, 2004. The Spokane Diocese has not yet
responded to *Plaintiffs' Fifth Interrogatories and Requests for*
Production of Documents to Defendant Catholic Bishop of Spokane,
served on October 19, 2004.

A majority of the plaintiffs have submitted to CR 35
psychological examinations, although plaintiffs Michael Corrigan

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1 and RH failed to appear for examinations scheduled to occur in
2 November 2004.

3 Each plaintiff has been deposed. Of the over 125 lay and
4 expert witnesses disclosed by the parties, approximately 70 have
5 been deposed to date.

6 **D. SB, et. al. v. Catholic Bishop of Spokane, a Corporation Sole; and**
7 **Patrick O'Donnell, individually (Adversary Proceeding No. 05-**
8 **80007)**

9 1. Procedural Status

10 This matter was originally filed in Spokane County Superior
11 Court on January 30, 2003. Originally, there were 10 plaintiffs in
12 this action. On October 1, 2004, the court granted the plaintiffs'
13 motion to remove DH as a plaintiff. On December 3, 2004, DS, who
14 settled his claim with the Spokane Diocese, was removed as a
15 plaintiff and MM was added as a plaintiff.

16 The Spokane Diocese filed an Answer and Affirmative
17 Defenses on January 8, 2004. Defendant Patrick O'Donnell filed an
18 Answer and Affirmative Defenses on February 17, 2004. The
19 plaintiffs filed Amended Complaints on May 3, 2004, and
20 December 3, 2004. The Spokane Diocese filed an Answer and
21 Affirmative Defenses to the December 3, 2004, Amended Complaint
22 on January 12, 2005.

23 The parties had disclosed primary and rebuttal witnesses in
24 accordance with a Civil Case Scheduling Order issued in the state
25 court action. The plaintiffs demanded a 12 person jury on August 20,
26 2004. Trial was scheduled to commence on January 3, 2005. In the
27 Joint Case Status Report submitted to the state court on June 20,
28 2003, the parties estimated that four to six weeks would be necessary
29 to complete trial.

30 2. Discovery Status

At the time of the Chapter 11 filing, most of the written
discovery that had been previously exchanged by the parties was
answered, although the parties were still in the process of obtaining
the medical, employment, military and educational records of the

1 plaintiffs which had been requested through written discovery. Some
2 informal discovery had been conducted between the defendants and
3 plaintiff MM prior to him being added as a plaintiff on December 3,
4 2004. The plaintiffs have not yet responded to *Defendant Catholic*
5 *Bishop of Spokane's Interrogatories and Requests for Production of*
6 *Documents Propounded to Plaintiff JR*, served on January 9, 2004.
7 The Spokane Diocese has not yet responded to *Plaintiffs' Second*
8 *Interrogatories and Requests for Production of Documents to*
9 *Defendant Catholic Bishop of Spokane*, served on October 19, 2004.

10 Every plaintiff, with the exception of MM, has submitted to a
11 CR 35 psychological examination at the request of the Spokane
12 Diocese.

13 Each of the plaintiffs has been deposed. Of the over 125 lay
14 and expert witnesses disclosed by the parties, approximately 70 have
15 been deposed to date.

16 **E. Cheryl Corrigan, individually and as limited guardian of K.C.,**
17 **J.R.C. and J.D.C., minors v. Corporation of the Catholic Bishop**
18 **of Spokane; and Patrick O'Donnell, individually** (Adversary
19 **Proceeding No. 05-80016)**

20 1. Procedural Status

21 This matter was originally filed in Spokane County Superior
22 Court on February 2, 2004. It is a wrongful death action filed by
23 Cheryl Corrigan, widow of Timothy Corrigan. The Corrigan's three
24 minor children are also named as plaintiffs. Cheryl Corrigan is also a
25 plaintiff, identified as CC, in the Michael Corrigan, et. al. lawsuit.
26 The Spokane Diocese filed an Answer and Affirmative Defenses on
27 January 12, 2005.

28 The Spokane Diocese filed for Chapter 11 Reorganization
29 prior to the dates required by the state court Civil Case Scheduling
30 Order for disclosure of lay and expert witnesses. The plaintiffs
demanded a 12 person jury on August 20, 2004. Trial was scheduled
to commence on August 1, 2005. In the Joint Case Status Report
submitted to the state court on May 7, 2004, the parties estimated that
two weeks would be necessary to complete trial.

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1 2. Discovery Status

2 No formal written discovery requests had been exchanged by
3 the parties. The deposition of Cheryl Corrigan was taken on
4 January 6, 2004, in the Michael Corrigan, et. al. lawsuit.

5 **F. John Doe v. Catholic Bishop of Spokane, a Washington non-**
6 **profit corporation; and Patrick O'Donnell, individual**
7 **(Adversary Proceeding No. 05-80020)**

8 1. Procedural Status

9 This matter was originally filed in Spokane County Superior
10 Court on November 5, 2004. The plaintiff had previously provided
11 the Spokane Diocese with a draft Complaint on or about August 29,
12 2003. The Spokane Diocese filed an Answer and Affirmative
13 Defenses on January 12, 2005.

14 The Spokane Diocese filed for Chapter 11 Reorganization
15 prior to the issuance of any Civil Case Scheduling Order in the state
16 court action. No jury demand had been filed in the state court action
17 and no trial date had been set. The plaintiff endorsed a demand for
18 jury trial in his *Motion for Remand*, filed March 31, 2005, in the
19 adversary proceeding.

20 2. Discovery Status

21 No formal written discovery requests had been exchanged by
22 the parties. The plaintiff was interviewed by counsel for the Spokane
23 Diocese on July 26, 2004.

24 **G. JN v. Catholic Bishop of Spokane, a Corporation Sole; and**
25 **Patrick O'Donnell, individual** (Adversary Proceeding No. 05-
26 **80021)**

27 1. Procedural Status

28 This matter was originally filed in Spokane County Superior
29 Court on December 6, 2004, the same date that the Spokane Diocese
30 filed for Chapter 11 Reorganization. No prior notice of this claim
 had been provided to the defendants. The Spokane Diocese filed an
 Answer and Affirmative Defenses on January 12, 2005.

1
2 No jury demand had been filed in the state court action and
3 no trial date had been set. The plaintiff endorsed a demand for jury
4 trial in his *Objection to Removal and Motion to Remand or Abstain*
5 *and Memorandum Thereon*, filed January 18, 2005, in the adversary
6 proceeding.

7
8
9
10 2. Discovery Status

11 No formal written discovery requests have been exchanged
12 by the parties and no depositions have been taken specific to this
13 plaintiff's claims.

14
15 H. LK v. Catholic Bishop of Spokane, a Corporation Sole; and
16 Patrick O'Donnell, individual (Adversary Proceeding No. 05-
17 80022)

18
19 1. Procedural Status

20 This matter was originally filed in Spokane County Superior
21 Court on December 6, 2004, the same date that the Spokane Diocese
22 filed for Chapter 11 Reorganization. No prior notice of this claim
23 had been provided to the defendants. The Spokane Diocese filed an
24 Answer and Affirmative Defenses on January 12, 2005.

25 No jury demand had been filed in the state court action and
26 no trial date had been set. The plaintiff endorsed a demand for jury
27 trial in his *Objection to Removal and Motion to Remand or Abstain*
28 *and Memorandum Thereon*, filed January 18, 2005, in the adversary
29 proceeding.

30 2. Discovery Status

No formal written discovery requests have been exchanged
by the parties and no depositions have been taken specific to this
plaintiff's claims.

LITIGATION ALLEGING ABUSE BY JAMES O'MALLEY

There are two adversary proceedings arising out the alleged sexual
abuse of the plaintiffs by James O'Malley, who served as a priest of the
Spokane Diocese from 1947 until his retirement in 1989. Following is the

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procedural and discovery status in each individual lawsuit arising out of alleged sexual abuse of the plaintiffs by James O'Malley:

A. RF, et. al. v. Corporation of the Catholic Bishop of Spokane; and Father James O'Malley (Adversary Proceeding No. 05-80011)

1. Procedural Status

This matter was originally filed by ten plaintiffs (RF, MB, DB, WB, DC, JC, RE, JM and ML) in Spokane County Superior Court on January 20, 2004. Plaintiff DB died on April 25, 2004. An Amended Complaint was filed on October 25, 2004, adding four plaintiffs (EC, JM, DM and GP). The Spokane Diocese filed an Answer and Affirmative Defenses to the plaintiffs Amended Complaint on January 12, 2005. Defendant James O'Malley was served by special process in Ireland on October 21, 2004, but no one has yet appeared on his behalf.

The Spokane Diocese received the plaintiffs' disclosure of lay and expert witnesses on October 21, 2004. The deadline for the defendants to disclose lay and expert witnesses had not passed at the time of the filing by the Spokane Diocese for Chapter 11 Reorganization. The plaintiffs demanded a 12 person jury on August 20, 2004. Trial was scheduled to commence on May 2, 2005. In the Joint Case Status Report submitted to the state court on April 23, 2004, the parties estimated that three weeks would be necessary to complete trial.

2. Discovery Status

At the time of the Chapter 11 filing, most of the written discovery that had been previously exchanged by the parties was answered, although the parties were still in the process of obtaining the medical, employment, military and educational records of the plaintiffs which had been requested through written discovery. No written discovery requests have been exchanged between the defendants and plaintiffs EC, JM, DM and GP. The plaintiffs have not yet responded to *Defendant's First Set of Interrogatories and Requests for Production Propounded to Plaintiff JC* and *Defendant's First Set of Interrogatories and Requests for Production Propounded to Plaintiff JT*, both of which were served on May 3, 2004. The Spokane Diocese has not yet responded to *Plaintiffs' Second*

1 *Interrogatories to Defendant Catholic Bishop of Spokane*, served on
2 June 2, 2004. The plaintiffs have also not responded to *Defendant*
3 *Corporation of the Catholic Bishop of Spokane's Third Set of*
4 *Interrogatories and Requests for Production of Documents*
5 *Propounded to Plaintiffs*, served June 22, 2004.

6 CR 35 psychological examinations have been conducted of
7 plaintiffs RF, MB, WB, JC, RE, JM, JT and JM by defense expert
8 Duane Green, Ph.D., in September and October 2004. Plaintiffs DC,
9 ML, EC, DM and GP have not yet submitted to examinations.

10 The statements of nine of the original ten plaintiffs were
11 taken in August and October 2003, prior to the filing of this lawsuit.
12 Other than plaintiff ML, who was deposed on May 26, 2004, no
13 other plaintiffs have submitted to litigation depositions. None of the
14 four plaintiffs added on October 25, 2004, have been given
15 statements or been deposed. Of the approximately 120 lay and
16 expert witnesses disclosed by the plaintiffs, less than 20 have been
17 deposed to date regarding the alleged abuse by James O'Malley.

18 **B. T.C. and G.R. v. Catholic Bishop of Spokane, a Corporation**
19 **Sole; and James O'Malley, individual (Adversary Proceeding No.**
20 **05-80014)**

21 1. Procedural Status

22 This matter was originally filed by plaintiff T.C. in Spokane
23 County Superior Court on July 9, 2003. The Spokane Diocese filed
24 an Answer and Affirmative Defenses on January 27, 2004. An
25 Amended Complaint was filed on November 22, 2004, adding
26 plaintiff G.R. The Spokane Diocese filed an Answer and Affirmative
27 Defenses to the plaintiffs' Amended Complaint on January 12, 2005.
28 Defendant James O'Malley was served by special process in Ireland
29 on October 21, 2004, but no one has yet appeared on his behalf.

30 The plaintiffs did not serve the Spokane Diocese with a
disclosure of lay and expert witnesses, although it was due on
November 29, 2004. The deadline for the defendants to disclose lay
and expert witnesses had not passed at the time of the filing by the
Spokane Diocese for Chapter 11 Reorganization. The plaintiffs
demanded a 12 person jury on July 9, 2003. Trial was scheduled to
commence on June 27, 2005. In the Joint Case Status Report

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submitted to the state court on October 10, 2003, the parties estimated that three weeks would be necessary to complete trial.

2. Discovery Status

At the time of the Chapter 11 filing, the Spokane Diocese had responded to the only written discovery requests received from the plaintiffs, *Plaintiff's Interrogatories and Requests for Production of Documents*. Plaintiff T.C. has still not responded to *Defendant Catholic Bishop of Spokane's First Set of Interrogatories and Requests for Production of Documents*, served on March 19, 2004. and *Defendant Catholic Bishop of Spokane's Third Set of Interrogatories and Requests for Production of Documents*, served on June 22, 2004. The Spokane Diocese does not have any medical, employment, military or educational records from either plaintiff. No written discovery requests have been exchanged between the defendants and plaintiff G.R.

Neither of the plaintiffs has been deposed, nor have they submitted to a CR 35 psychological examination by expert(s) for the Spokane Diocese. No other depositions have been conducted with regard to the claims of these plaintiffs of abuse by James O'Malley.

LITIGATION ALLEGING ABUSE BY JOSEPH KNECHT

There are two adversary proceedings arising out the alleged sexual abuse of the plaintiffs by Joseph Knecht, who served as a priest of the Spokane Diocese from 1932 until his death in 1956. Following is the procedural and discovery status in each individual lawsuit arising out of alleged sexual abuse of the plaintiffs by Joseph Knecht:

A. **Joseph E. Newbury, et. al. v. Corporation of the Catholic Bishop of Spokane (Adversary Proceeding No. 05-80012)**

1. Procedural Status

This matter was originally filed by plaintiffs Joseph Newbury and John Doe in Spokane County Superior Court on January 20, 2004. An Amended Complaint was filed on October 20, 2004, adding plaintiffs Gregory Doe, David Doe, Richard Doe, Michael Doe and George Puthoff. The Spokane Diocese filed an Answer and

DECLARATION OF GREGORY J. ARPIN
IN OPPOSITION TO PLAINTIFFS'
MOTION TO REMAND - 15

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1 Affirmative Defenses to the plaintiffs' Amended Complaint on
2 January 12, 2005.

3 The Spokane Diocese received the plaintiffs' disclosure of lay
4 and expert witnesses on October 21, 2004. The deadline for the
5 Spokane Diocese to disclose lay and expert witnesses had not passed
6 at the time of the filing by the Spokane Diocese for Chapter 11
7 Reorganization. The plaintiffs demanded a 12 person jury on August
8 20, 2004. Trial was scheduled to commence on May 2, 2005. In the
9 Joint Case Status Report submitted to the state court on April 23,
10 2004, the parties estimated that three weeks would be necessary to
11 complete trial.

12 2. Discovery Status

13 At the time of the Chapter 11 filing, the Spokane Diocese had
14 responded to the only written discovery requests received from the
15 plaintiffs, *Plaintiffs' Interrogatories and Requests for Production of*
16 *Documents*. The plaintiffs have not yet responded to *Defendant*
17 *Corporation of the Catholic Bishop of Spokane's Third Set of*
18 *Interrogatories and Requests for Production of Documents*, served
19 on June 22, 2004. No written discovery requests have been
20 exchanged between the Spokane Diocese and plaintiffs Gregory Doe,
21 David Doe, Richard Doe, Michael Doe and George Puthoff. The
22 Spokane Diocese does not have any medical, employment, military
23 or educational records from any of the plaintiffs.

24 Plaintiff John Doe, who is also claiming abuse by James
25 O'Malley, provided an unsworn statement to the Spokane Diocese on
26 November 19, 2003. None of the plaintiffs have been formally
27 deposed. Plaintiffs Joseph Newbury and John Doe submitted to a CR
28 35 psychological examination by Duane Green, Ph.D., an expert for
29 the Spokane Diocese, in September 2004. No other plaintiffs have
30 been deposed, nor have they submitted to CR 35 psychological
examinations. Of the 80 or so lay and expert witnesses identified by
the plaintiffs in October 2004, approximately 20 were previously
deposed regarding in lawsuits arising out of alleged abuse by Patrick
O'Donnell. It is anticipated that most of these witnesses will need to
be deposed again regarding these specific claims.

DECLARATION OF GREGORY J. ARPIN
IN OPPOSITION TO PLAINTIFFS'
MOTION TO REMAND - 16

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1. Procedural Status

The deadlines for the parties to disclose lay and expert witnesses had not passed at the time of the filing by the Spokane Diocese for Chapter 11 Reorganization. Trial was scheduled to commence on July 11, 2005. In the Joint Case Status Report submitted to the state court on July 2, 2004, the parties estimated that two weeks would be necessary to complete trial. No jury demand had been filed in the state court action. The plaintiff endorsed a demand for jury trial in his *Objection to Removal and Motion for Remand or Abstain and Memorandum Thereon*, filed January 18, 2005, in the adversary proceeding.

No depositions have been taken and the plaintiff has not submitted to any CR 35 psychological examination by expert(s) for the Spokane Diocese.

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1 Following is the procedural and discovery status in each individual lawsuit
2 arising out of alleged sexual abuse of the plaintiffs by Reinard Beaver:

3 A. **James Maguire v. Reinard Beaver and Catholic Bishop of**
4 **Spokane, a Corporation Sole** (Adversary Proceeding No. 05-
5 80009)

6 1. Procedural Status

7 This matter was originally filed by the plaintiff in Spokane
8 County Superior Court on June 24, 2003. The Spokane Diocese filed
9 an Answer and Affirmative Defenses to the plaintiff's Complaint on
December 31, 2003.

10 The plaintiff filed his disclosure of witnesses on October 4,
11 2004. The time for disclosure of witnesses by the Spokane Diocese
12 had not passed at the time of the filing for Chapter 11
13 Reorganization. Trial was scheduled to commence on May 2, 2005.
14 In the Joint Case Status Report submitted to the state court on
15 November 21, 2003, the parties estimated that six days would be
16 necessary to complete trial. No jury demand was filed in the state
court action. Since the removal of this action to U.S. Bankruptcy
Court, the plaintiff has not made a demand for jury pursuant to Fed.
R. Civ. P. 38(b) or Fed. R. Civ. P. 81(c).

17 2. Discovery Status

18 At the time of the Chapter 11 filing, the plaintiff had not yet
19 served written discovery requests on the defendants. The plaintiff
20 has not responded to the four separate sets of written discovery
21 requests propounded by the Spokane Diocese, which include:
22 *Defendant Catholic Bishop of Spokane's Interrogatories and*
Requests for Production of Documents, served January 14, 2004;
23 *Defendant Catholic Bishop of Spokane's Second Set of*
Interrogatories and Requests for Production of Documents, served
24 March 10, 2004; *Defendant Catholic Bishop of Spokane's Third Set*
of Interrogatories and Requests for Production of Documents, served
25 March 19, 2004; and *Defendant Catholic Bishop of Spokane's Fourth*
26 *Set of Interrogatories and Requests for Production of Documents*,
served June 22, 2004.

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29 DECLARATION OF GREGORY J. ARPIN
IN OPPOSITION TO PLAINTIFFS'
30 MOTION TO REMAND - 18

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1 The plaintiff was deposed on September 5 & 17, 2003. No
2 CR 35 psychological examination of the plaintiff was conducted.
3 The plaintiff died on January 12, 2004. None of the 15 witnesses
4 disclosed by the plaintiff have been deposed regarding the claims of
the plaintiff specific to this lawsuit.

5 **B. Michael Shea v. Reinard Beaver and Catholic Bishop of**
6 **Spokane, a Corporation Sole (Adversary Proceeding No. 05-**
7 **80010)**

8 1. Procedural Status

9 This matter was originally filed by the plaintiff in Spokane
10 County Superior Court on May 8, 2003. Defendant Reinard Beaver
11 filed an Answer and Affirmative Defenses on July 25, 2003. The
12 Spokane Diocese filed an Answer and Affirmative Defenses to the
plaintiff's Complaint on December 31, 2003.

13 The plaintiff filed his disclosure of witnesses on October 4,
14 2004. The time for disclosure of witnesses by the Spokane Diocese
15 had not passed at the time of the filing for Chapter 11
16 Reorganization. Trial was scheduled to commence on May 2, 2005.
17 In the Joint Case Status Report submitted to the state court on
November 21, 2003, the parties estimated that eight days would be
18 necessary to complete trial. The plaintiff demanded a 12 person jury
on August 9, 2004.

19 2. Discovery Status

20 At the time of the Chapter 11 filing, most of the written
21 discovery that had been previously exchanged by the parties was
22 answered, although the parties were still in the process of obtaining
23 the medical, employment, military and educational records of the
24 plaintiff which had been requested through written discovery.
Defendant Reinard Beaver has not yet responded to the plaintiff's
Third Interrogatories and Request for Documents, served on
25 August 24, 2004.

26 The plaintiff was deposed on July 14, 2003, but has not yet
27 submitted to a CR 35 psychological examination. None of the 15
28 witnesses disclosed by the plaintiff have been deposed regarding the
claims of the plaintiff specific to this lawsuit.

29 DECLARATION OF GREGORY J. ARPIN
IN OPPOSITION TO PLAINTIFFS'
30 MOTION TO REMAND - 19

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LITIGATION ALLEGING ABUSE BY JOSEPH SONDERGELD

There is one adversary proceeding arising out the alleged sexual abuse of one plaintiff by Joseph Sondergeld, who served as a priest of the Spokane Diocese from 1917 until 1951, when he became a priest in the newly formed Yakima Diocese. Joseph Sondergeld retired as a priest of the Yakima Diocese in 1967 and died in 1969. Following is the procedural and discovery status of the lawsuit arising out of alleged sexual abuse of the plaintiff by Joseph Sondergeld:

A. **Michael Ross v. Catholic Bishop of Spokane, a Corporation Sole**
(Adversary Proceeding No. 05-80008)

1. Procedural Status

This matter was originally filed by the Michael Ross and his wife, Madeleine Ross, in Spokane County Superior Court on June 6, 2003. Defendant Catholic Bishop of Yakima ("Yakima Diocese") filed an Answer and Affirmative Defenses to the plaintiff's Complaint on July 31, 2003. The Spokane Diocese filed an Answer and Affirmative Defenses to the plaintiff's Complaint on December 31, 2003. On February 17, 2004, Madeleine Ross entered a *Notice of Non-Suit and Judgment of Dismissal of One Party Plaintiff Only*, leaving Michael Ross as the sole plaintiff.

The plaintiff filed his disclosure of lay and expert witnesses on September 15, 2004. The defendants filed their disclosures of lay and expert witnesses on October 25, 2004. The time for disclosure of rebuttal witnesses by the parties had not passed at the time of the filing for Chapter 11 Reorganization. Trial was scheduled to commence on March 15, 2005. In the Joint Case Status Report submitted to the state court on November 21, 2003, the parties estimated that two weeks would be necessary to complete trial. The Yakima Diocese demanded a 12 person jury on July 31, 2003.

The plaintiff settled his claim with the Yakima Diocese in November 2004 for \$50,000. An order dismissing the Yakima Diocese was entered on November 30, 2004.

DECLARATION OF GREGORY J. ARPIN
IN OPPOSITION TO PLAINTIFFS'
MOTION TO REMAND - 20

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1 2. Discovery Status

2 At the time of the Chapter 11 filing, some of the written
3 discovery that had been previously exchanged by the parties was
4 answered, although the plaintiff has not yet responded to the
5 following written discovery requests from the Spokane Diocese:
6 *Defendant Catholic Bishop of Spokane's Interrogatories and*
7 *Requests for Production of Documents Propounded to Plaintiff*
8 *Michael Ross*, served January 14, 2004; *Defendant Catholic Bishop*
9 *of Spokane's 2nd Set of Interrogatories and Requests for Production*
10 *of Documents*, served March 9, 2004; and *Defendant Catholic Bishop*
11 *of Spokane's Third Set of Interrogatories and Requests for*
 Production of Documents, served March 19, 2004. The parties are
 still in the process of compiling the medical, employment, military
 and educational records of the plaintiff which had been requested
 through written discovery.

12 The plaintiff was deposed on February 5 & 6, 2004; March 24
13 & 25, 2004; and April 12, 2004. On June 7, 2004, the plaintiff also
14 submitted to a CR 35 psychological examination by Ronald Klein,
15 Ph.D., an expert witness for the Spokane Diocese. Of the 70 to 80
16 lay and expert witnesses disclosed by the parties, approximately 15
17 have been deposed to date.

18 **LITIGATION ALLEGING ABUSE BY BERNARD OOSTERMAN**

19 There is one adversary proceeding arising out the alleged sexual
20 abuse of three plaintiffs by Bernard Oosterman, who served as a priest of the
21 Spokane Diocese from 1956 until 1980, when he resigned. Following is the
22 procedural and discovery status of the lawsuit arising out of alleged sexual
23 abuse of the plaintiff by Bernard Oosterman:

24 A. **WM, HM and BM v. Catholic Bishop of Spokane, a Corporation**
25 **Sole; and Benno Oosterman, individually** (Adversary Proceeding
26 **No. 05-80013)**

27 1. Procedural Status

28 This matter was originally filed in King County Superior
29 Court by WM, HM and BM on May 15, 2003, and venue was
30 transferred to Spokane County Superior Court on December 5, 2003.
 Defendant Benno Oosterman filed an Answer and Affirmative

DECLARATION OF GREGORY J. ARPIN
IN OPPOSITION TO PLAINTIFFS'
MOTION TO REMAND - 21

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1 Defenses to the plaintiffs' Complaint on August 29, 2003. The
2 Spokane Diocese filed an Answer and Affirmative Defenses to the
3 plaintiffs' Complaint on October 3, 2003.

4 The plaintiffs filed their disclosure of lay and expert
5 witnesses on November 9, 2004. The deadline for the defendants to
6 disclose lay and expert witnesses had not passed at the time of the
7 filing by the Spokane Diocese for Chapter 11 Reorganization. Trial
8 was scheduled to commence on June 6 2005. In the Joint Case Status
9 Report submitted to the state court on January 9, 2004, the parties
10 estimated that three weeks would be necessary to complete trial. No
11 jury demand had been filed in the state court action. The plaintiffs
12 endorsed a demand for jury trial in their *Motion for Remand*, filed
13 March 31, 2005, in the adversary proceeding.

14 2. Discovery Status

15 At the time of the Chapter 11 filing, all of the written
16 discovery that had been previously exchanged by the parties was
17 answered. The plaintiffs have not provided the Spokane Diocese
18 with a Statement of Damages, requested pursuant to RCW 4.28.360
19 on August 14, 2003. The parties are still in the process of compiling
20 the medical, employment, military and educational records of the
21 plaintiffs which had been requested through written discovery.

22 The plaintiffs were deposed on June 23 – 25, 2004. Three lay
23 witnesses have also been deposed. On October 5 - 7 2004, the
24 plaintiffs also submitted to a CR 35 psychological examination by
25 Duane Green, Ph.D., an expert witness for the Spokane Diocese.

26 **LITIGATION ALLEGING ABUSE BY THEODORE BRADLEY**

27 There is one adversary proceeding arising out the alleged sexual
28 abuse of one plaintiff by Theodore Bradley, who served as a priest of the
29 Spokane Diocese from 1959 until his retirement in 1995. Following is the
30 procedural and discovery status of the lawsuit arising out of alleged sexual
abuse of the plaintiff by Theodore Bradley:

DECLARATION OF GREGORY J. ARPIN
IN OPPOSITION TO PLAINTIFFS'
MOTION TO REMAND - 22

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1 **A. D.C. v. Corporation of the Catholic Bishop of Spokane**
2 **(Adversary Proceeding No. 05-80017)**

3 1. Procedural Status

4 This matter was originally filed in Spokane County Superior
5 Court on May 20, 2004. The Spokane Diocese filed an Answer and
6 Affirmative Defenses on January 12, 2005.

7 The deadlines for the parties to disclose lay and expert
8 witnesses had not passed at the time of the filing by the Spokane
9 Diocese for Chapter 11 Reorganization. Trial was scheduled to
10 commence on September 12, 2005. In the Joint Case Status Report
11 submitted to the state court on August 20, 2004, the parties estimated
12 that two weeks would be necessary to complete trial. The plaintiffs
13 filed a demand for a 12 person jury on August 20, 2004.

14 2. Discovery Status

15 At the time of the Chapter 11 filing, none of the written
16 discovery that had been previously exchanged by the parties was
17 answered. The Spokane Diocese has not yet responded to *Plaintiff's*
18 *First Interrogatories and Requests for Production of Records*, served
19 on July 9, 2004. The plaintiff has not yet responded to *Defendant's*
20 *First Set of Interrogatories and Requests for Production of*
21 *Documents*, served on August 17, 2004; nor has the plaintiff
22 provided the Spokane Diocese with a Statement of Damages,
23 requested pursuant to RCW 4.28.360 on August 17, 2003.

24 No depositions have been taken.

25 **LITIGATION ALLEGING ABUSE BY ARTHUR MERTENS**

26 There is one adversary proceeding arising out the alleged sexual
27 abuse of one plaintiff by Arthur Mertens, who was a priest of the Spokane
28 Diocese from 1949 until his retirement in 1989. Following is the procedural
29 and discovery status of the lawsuit arising out of alleged sexual abuse of the
30 plaintiff by Theodore Bradley:

DECLARATION OF GREGORY J. ARPIN
IN OPPOSITION TO PLAINTIFFS'
MOTION TO REMAND - 23

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1 A. "John Doe" v. Corporation of the Catholic Bishop of Spokane
2 (Adversary Proceeding No. 05-80018)

3 1. Procedural Status

4 This matter was originally filed in Spokane County Superior
5 Court on July 15, 2004. The Spokane Diocese filed an Answer and
6 Affirmative Defenses on January 12, 2005.

7 The deadlines for the parties to disclose lay and expert
8 witnesses had not passed at the time of the filing by the Spokane
9 Diocese for Chapter 11 Reorganization. Trial was scheduled to
10 commence on September 19, 2005. In the Joint Case Status Report
11 submitted to the state court on October 15, 2004, the parties
 estimated that one week would be necessary to complete trial. The
 plaintiff filed a demand for a 12 person jury on August 20, 2004.

12 2. Discovery Status

13 At the time of the Chapter 11 filing, none of the written
14 discovery that had been previously exchanged by the parties was
15 answered. The plaintiff has not yet responded to *Defendant's First*
16 *Set of Interrogatories and Requests for Production of Documents*,
17 served on July 20, 2004; nor has the plaintiff provided the Spokane
18 Diocese with a Statement of Damages, requested pursuant to RCW
19 4.28.360 on July 20, 2003. The Spokane Diocese has not yet
20 responded to *Plaintiff's First Interrogatories and Requests for*
21 *Production of Records*, served on September 21, 2004. No
 depositions have been taken.

22 **LITIGATION ALLEGING ABUSE BY GARRY BOULDEN**

23 There is one adversary proceeding arising out the alleged sexual
24 abuse of one plaintiff by Garry Boulden, who served as a priest of the
25 Spokane Diocese from 1977 until 1983. Following is the procedural and
26 discovery status of the lawsuit arising out of alleged sexual abuse of the
27 plaintiff by Garry Boulden:

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29 DECLARATION OF GREGORY J. ARPIN
30 IN OPPOSITION TO PLAINTIFFS'
 MOTION TO REMAND - 24

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1 A. Jane Doe v. Corporation of the Catholic Bishop of Spokane
2 (Adversary Proceeding No. 05-80019)

3 1. Procedural Status

4 This matter was originally filed in Spokane County Superior
5 Court on May 20, 2004. The Spokane Diocese filed an Answer and
6 Affirmative Defenses on January 12, 2005.

7 The deadlines for the parties to disclose lay and expert
8 witnesses had not passed at the time of the filing by the Spokane
9 Diocese for Chapter 11 Reorganization. Trial was scheduled to
10 commence on October 24, 2005. In the Joint Case Status Report
11 submitted to the state court on September 24, 2004, the parties
 estimated that two weeks would be necessary to complete trial. The
 plaintiffs filed a demand for a 12 person jury on August 20, 2004.

12 2. Discovery Status

13 At the time of the Chapter 11 filing, none of the written
14 discovery that had been previously exchanged by the parties was
15 answered. The Spokane Diocese has not yet responded to *Plaintiff's*
16 *First Interrogatories and Requests for Production of Records*, served
17 on July 9, 2004. The plaintiff has not yet responded to *Defendant's*
18 *First Set of Interrogatories and Requests for Production of*
19 *Documents*, served on August 17, 2004; nor has the plaintiff
20 provided the Spokane Diocese with a Statement of Damages,
21 requested pursuant to RCW 4.28.360 on August 17, 2003. No
22 depositions have been taken.

23 11. While some of the Sexual Abuse Lawsuits have had substantial activity,
24 considerable progress would still be needed to bring them to readiness for trial. Even the
25 lawsuits which were closest to scheduled trial dates had significant depositions to complete
26 with regard to expert witnesses and health care providers. For many of the lawsuits, little or
27 no discovery had been completed on the nature and extent of the damages claimed by the
28 plaintiffs. Contrary to the assertion of the plaintiffs' counsel, that some of these lawsuits
29 were halted on the eve of trial, it is the position of the Spokane Diocese that while some of

30 DECLARATION OF GREGORY J. ARPIN
 IN OPPOSITION TO PLAINTIFFS'
 MOTION TO REMAND - 25

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1 the lawsuits were set for trial in January 2005, discovery in these lawsuits had not
2 progressed to where they were ready for trial. In addition, counsel for the Tort Claimants'
3 Committee and Tort Litigants' Committee (hereinafter "Committees") took the position,
4 soon after the Reorganization Case was filed, that counsel for the Spokane Diocese could
5 not and should not continue to defend the Spokane Diocese in the Sexual Abuse Lawsuits
6 and could not receive any payment from the insurance carriers for the Spokane Diocese for
7 such defense. Thus, according to counsel for the Committees, the Spokane Diocese should
8 be required to retain separate defense counsel. This would require the current defense
9 counsel for the Spokane Diocese to transfer all of its knowledge and the tens of thousands
10 of pages of documents to substitute defense counsel. Because of the time needed by any
11 substitute defense counsel to prepare these matters for trial, it is unlikely that any of these
12 lawsuits could be made ready for trial in 2005.
13

14
15 12. The Portland Archdiocese filed for Chapter 11 Reorganization on July 6,
16 2004. All litigation involving the Portland Archdiocese was removed to the U.S.
17 Bankruptcy Court, District of Oregon, including a number of sexual abuse lawsuits.
18 Various tort claimants filed motions for remand on September 28, 2004. On November 19,
19 2004, the Oregon Bankruptcy Court entered an order abating further pretrial proceedings,
20 including the pending motions to remand, until an Accelerated Alternate Dispute
21 Resolution Process was completed. Attached hereto as Exhibit A is a true and correct copy
22 of the Record of Proceeding from November 19, 2004, in the Oregon Bankruptcy Court. A
23 similar approach in this Reorganization Case is necessary to allow the Spokane Diocese an
24 opportunity to incorporate into its Reorganization Plan a similar mechanism for resolution
25 of tort claims for those claimants who are able to resolve their claims short of trial. For
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29 DECLARATION OF GREGORY J. ARPIN
30 IN OPPOSITION TO PLAINTIFFS'
MOTION TO REMAND - 26

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1 others, the Spokane Diocese would not deny them the opportunity to pursue their claims
2 before a jury in the Federal Courts of Eastern Washington.

3 13. I declare under penalty of perjury under the laws of the State of Washington
4 that the foregoing is true and correct.

5 DATED at Spokane, Washington this 7th day of April, 2005.

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9 GREGORY J. ARPIN

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29 DECLARATION OF GREGORY J. ARPIN
IN OPPOSITION TO PLAINTIFFS'
30 MOTION TO REMAND - 27

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EXHIBIT A

11/19/2004

FRIDAY

Judge Elizabeth L Perris

09:00 AM
CR 1

04-3328
4-37154 11

C.B. vs Archdiocese of Portland in Oregon

Continued Status Conference

C.B. - pla

Archdiocese of Portland in Oregon - def

WILLIAM A BARTON

THOMAS V DULCICH

Further pretrial proceedings will be abated pending mediation of all claims pursuant to the Accelerated Claim Resolution Process.

Re Motion to Defer Briefing and Rulings on Motions to Abstain/Remand, Motion GRANTED. The lead plaintiff's brief is due 3 weeks after the conclusion of mediation and the other deadlines are adjusted accordingly. McKeltrick to submit order.

At the continued case management hearing on 4/11/05 at 1:30 PM a date needs to be set for status conferences in the Adversary proceedings.

to prepare order.

OD3 - Dismissal Order

#1 ☐ Settled ☐ (20) days.

#2 ☐ to Prepare Judgment/order ☐ (20) days.

#3 ☐ No answer ☐ (20) days.

OFRCP - Rule 26 Order

#1 ☐ Planning conf. by ☐ / Conf. Report by ☐

#2 ☐ Planning conf. by ☐ / No report.

#3 ☐ Discovery can proceed.

#4 ☐ No planning conf./Initial disclosures by ☐

#5 ☐ Discovery limited to ☐

DOCKET ENTRY:

Run Date: 11/16/2004